

(Am. d. 647. & 40.)

A

DECLARATION

From his Excellencie

Sir THOMAS FAIRFAX,

and his Councell of

WARRE:



Concerning their proceedings in the proposalls prepared and agreed on by the Councel of the Army, to be tendred to the Commissioners of Parliament residing in the Army, and with them to be treated on by the Commissioners of the Army:

Together with

The heads of the said Proposalls, containing the particulars of their desires, in pursuance of their former Declarations and Papers, in order to the clearing and securing of the Rights and Liberties of the Kingdome, and the settling of a just and lasting Peace.

To which are added,

Some further particular desires, for the removing and redressing of divers present pressing grievances, being also comprised in, or in necessary pursuance of their former Representations and Papers appointed to be treated on.

Printed at CAMBRIDGE:

Anno Dom. 1647.

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¶ A Declaration from his Excellencie
Sir Thomas Fairfax, and his

Council of Warre :

Concerning the proposalls of the Army for settling of a
Peace, and the grounds of publishing
the heads thereof.

SInce our drawing back to Reading, we have applied our selves with all diligence to frame and hasten an entire body of all the particular Proposals which we would tender to the Commissioners of Parliament residing with the Army, to be treated on in pursuance of those generall desires exprest in our former Declarations, and Papers, for securing of the common rights and liberties, and a present settling of the peace of the Kingdome. In which businesse (notwithstanding the many interruptions and disturbances, with daily advertisements of the indirect and treacherous practises and preparations of the Committee of Militia, and others, in and about the city of London, and elsewhere, tending to a new warre, have occasioned to the diverting or retarding of our proceedings therein, yet) we have made a progresse, as speedy as the nature and weight of such a work would admit, and having finished the same, we have delivered in an abstract of the heads thereof unto the said Commissioners of Parliament to be treated upon. But the late pernicious engagement set on foot in the City; and (much more) that prodigious violence done to both Houses of Parliament on Monday last, having wholly taken us off for present



sent, and rendred all proceeding in the way of Treaty thereupon, merely vain and hopelesse, untill it shall please God the Parliament be righted and vindicated against that violation done to it, and restored to a condition of freedom, so as unquestioned Members of it may repair together, with safety, and proceed according to their just freedom. We have thought good in the mean time, to make this publick tender of the heads of the said Proposals to the consideration of the whole Kingdome, wherein though all circumstances requisite to be determined in an actuall settlement, be not so fully and perfectly expressed, as upon the Treaty intended, (if not interrupted as before) they might speedily have been; yet all men may see and understand in these, the effect and bottom of our desires, whereupon we have sincerely studied that a present Peace might be settled, which same thing (with and after such vindication of the Parliament as may again render it into a capacity to establish the same) we shall still faithfully endeavour to the utmost of our power, and accordingly shall expect the chearfull and hearty concurrence of all those, who are or shall be satisfied, concerning the integrity of our intentions to the peace and welfare of the Kingdome in these our proposals; or who shall (for the main) desire or approve of the same things with us, in order to a settlement.

And to these Proposals which we here first tender, as necessary to a peace, and upon which we desire the seal of Peace (in the restitution of his Majesty and others to their rights, and in an Act of oblivion to be past) we cannot but adde the further expression of our desires in some other particulars, which (though not
so

so essentiall to peace, as necessary to precede to the settling of it, yet) being matters of very publick, and (most of them) of generall grievance to the Kingdome (which we every where find the outcries of) and being contained in, or pursuant of the same things expressed in our former Representation and papers , We shall desire that the Parliament being set free , no time may be lost for a speedy consideration of them, so as the former things for a present settling of Peace be not delayed thereby.

Colebrook,

AUGUST 2.

1647.

By the appointment of his Excellency
Sir Thomas Fairfax,
 and the Councel of Warre.

Signed,

Jo. Rushworth.

The Heads of the Proposals,

agreed upon


By his Excellency Sir THOMAS FAIRFAX
and the Councell of the Army,

To be tendred to the Commissioners of Parliament
residing in the Army, and with them to be
treated on by the Commissioners
of the Army.

Containing,

The Particulars of their desires in pursuance of their former
Declarations and Papers, in order to the clearing and securing
of the Rights and Liberties of the Kingdome and the settling
of a just and lasting Peace.

To which are added some further particular Desires (for the re-
moving and redressing of divers present pressing grievances)
being also comprised in, or in necessary pursuance of their
former Representations and Papers appointed to be trea-
ted upon.

- I.  That (the things hereafter proposed being
provided for by this Parliament) a certain
period may by act of Parliament be set
for the ending of this Parliament: (such
period to be within a yeare at most)
and in the same Act, provision to be made
for the succession and constitution of Par-
liaments in future, as followeth:

1. That

1. That Parliaments may Biennially be called and meet at a certain day, with such provision for the certainty thereof, as in the late act was made for the Triennial Parliaments. And what further or other provision shall be found needfull by the Parliament, to reduce it to more certainty. And upon the passing of this the said Act for Triennial Parliaments to be repealed.

2. Each Biennial Parliament to sit an hundred and twenty dayes certain (unlesse adjourned or dissolved sooner by their own consent) afterwards to be adjournable or dissolvable by the King, and no Parliament to sit past 140. dayes from their first meeting, or some other limited number of dayes now to be agreed on, upon the expiration whereof, each Parliament to dissolve of course if not otherwise dissolved sooner.

3. The King upon advise of the Councell of State, in the intervalls betwixt Biennial Parliaments, to call a Parliament extraordinary, provided it meet above 70. dayes before the next Biennial day, and be dissolved at least 60. dayes before the same, so as the course of Biennial elections may never be interrupted.

4. That this Parliament and each succeeding Biennial Parliament at or before the adjournment or dissolution thereof may appoint Committees to continue during the intervalls for such purposes as are in any of these proposalls referred unto such Committees.

5. That the Elections of the Commons for the succeeding Parliaments may be distributed to all Counties or other parts or divisions of the Kingdome, according to some rule of equality or proportion: so as all Counties may have a number of Parliament members allowed to their choice proportionable to the respective rates they bear in the common charges and burdens of the Kingdome, or according to some other rule of equality or proportion, to render the house of Commons (as near as may be) an equall representative of the whole: And in order thereto, that a present consideration be had to take off the elections

Actions of Burgesſes for poore decayed or inconfiderable Towns, and to give ſome preſent addition to the number of Parliament members of great Counties that have now leſſe then their due proportion, to bring all (at preſent) as near as may be to ſuch rule of proportion as aforeſaid.

6. That effectuall provision be made for future freedome of Elections and certainty of due returns.

7. That the houſe of Commons alone have the power from time to time to ſet down further orders and rules for the ends expreſſed in the two laſt precedent Articles ſo as to reduce the elections of members for that Houſe to more and more perfection of equality in the diſtribution, freedome in the Election, order in the proceeding thereto, and certainty in the returns, which orders and rules (in that caſe) to be as Lawes.

8. That there be a Liberty for entring diſſents in the houſe of Commons, with provision that no member be cenſurable for ought ſaid or voted in the Houſe further then to excluſion from that truſt and that onely by the Judgement of the houſe it ſelf.

9. That the Judiciall power or power of finall Judgement in the Lords and Commons (and their power of expoſition and application of Law without further appeal) may be cleared. And that no Officer of Juſtice, Miniſter of State, or other perſon adjudged by them may be capable of protection or pardon from the King without their adviſe and conſent.

10. That the rights and the liberties of the Commons of England may be cleared and vindicated as to a due exemption from any Judgement, Tryall, or other proceeding againſt them by the Houſe of Peers without the concurring judgement of the houſe of Commons, As alſo from any other judgement ſentence or proceeding againſt them, other then by their equals, or according to the Law of the Land.

11. The ſame act to provide that Grand-jury men may be choſen

chosen by and for severall parts or divisions of each County respectively in some equall way (and not remain, as now, at the discretion of an under Sheriff to be put on or off) and that such Grand-jury men for their respective County may each Assize present the names of persons to be made Justices of Peace from time to time (as the Countrey shall need, for any to be added to the Commission) and at the Summer Assize to present the names of their persons, out of whom the King may prick one to be Sheriff for the next year.

II. For future security to Parliaments and the Militia in generall, and in order thereunto that it be provided by Act of Parliament,

1. That the power of the Militia by sea and land during the space of ten years next ensuing, shall be ordered and disposed by the Lords and Commons assembled, and to be assembled in the Parliament of England, or by such persons as they shall nominate and appoint for that purpose from time to time during the said space.

2. That the said power shall not be ordered, disposed, or exercised by the Kings Majesty that now is, or by any person or persons, by any authority derived from him during the said space, or at any time hereafter by his said Majesty without the advise and consent of the said Lords and Commons or of such Committee or Councell in the intervalls of Parliament as they shall appoint.

3. That during the same space of 10. years the said Lords and Commons may by Bill or Ordinance raise and dispose of what moneyes and for what forces they shall from time to time find necessary, as also for the publick debts and dammages, and for all other the publick uses of the Kingdome.

4. And to the end the Temporary security intended by the three particulars last precedent may be the better assured it may therefore be provided,

That no subjects that have been in Hostility against the Parliament in the late warre shall be capable of bearing any office of Power or publick trust in the Commonwealth, during the said space of five years without consent of Parliament or of the Councell of State, or to sit as members or assistants of either Houses of Parliament, untill the second Bienniall Parliament be past.

III. For the present form of disposing the Militia in order to the peace and safety of this Kingdome and the service of Ireland.

1. That there be Commissioners for the Admiralty, with the Vice-Admiral & rear Admiral now to be agreed on with power for the forming, regulating, appointing of Officers and providing for the Navy, and for ordering the same to and in the ordinary services of the Kingdome, and that there be a sufficient provision and establishment for the pay and maintainance thereof.

2. That there be a Generall for the Command of the land forces that are to be in pay both in England, Ireland, and Wales, both for the Field and Garrison.

3. That there be Commissioners in severall Counties for the standing Militia of the respective Counties, (consisting of trained Bands and Auxiliaries not in pay) with power for the proportioning, forming, regulating, training and disciplining of them.

4. That there be a councill of State, with power to superintend and direct the three severall and particular powers of the Militia last mentioned, for the peace and safety of this Kingdome and of Ireland.

5. That the same Councell may have power as the Kings privie Councell for and in all forreign negotiations, provided that the making of warre or peace with any other Kingdome or State shall not be without advise and consent of Parliament.

6. That

6. That the said power of the Councell of State be put into the hands of trusty and able persons now to be agreed on, and the same persons to continue in that power (*si bene se gesserint*) for a certain terme not exceeding 7. years.

7. That there be a sufficient establishment now provided for the salary forces both in England and Ireland. The establishment to continue untill two moneths after the meeting of the first Bienniall Parliament.

IV. That an Act be passed for the disposing of the great Offices for 10. years by the Lords and Commons in Parliament, or by such Committees as they shall appoint for that purpose in the intervalls (with submission to the approbation of the next Parliament) and after 10. years they to nominate three, and the King out of that number to appoint one for the succession upon any vacancy.

V. That an Act be passed for restraining of any Peeres made since the 21. of May 1642. or to be hereafter made from having power to sit or vote in Parliament without consent of both Houses.

VI. That an Act be passed for recalling and making void all Declarations and other proceedings against the Parliament or against any that have Acted by or under their authority in the late warre, or in relation to it, and that the Ordinances for Indemnity may be confirmed.

7. That an Act be passed for making void all grants &c. under the great Seal that was conveyed away from the Parliament, since it was so conveyed away (except as in the Parliaments proposition) and for making those valid that have been or shall be passed under the great seal made by the authority of both Houses of Parliament.

VIII. That an Act be passed for the Confirmation of the treaty between the two Kingdomes of England and Scotland, and for appointing conservatours of the Peace betwixt them.

9. That the Ordinance for taking away the Court of Wards, and Liveries, be confirmed by Act of Parliament; provided his Majesties Revenue be not damnified therein, nor those that last held Offices in the same, left without reparation some other way.

X. An act to declare voyd the cessation of Ireland, &c. and to leave the prosecution of that warre to the Lords and Commons in the Parliament of England.

XI. An Act to be passed to take away all coercive power, Authority, or jurisdiction of Bishops, and all other Ecclesiastiall Officers whatsoever, extending to any civil penalties upon any, and to repeal all Laws, whereby the Civil Magistracy hath been, or is bound, upon any Ecclesiasticall censure to proceed *ex officio*, unto any civil penalty, against persons so censured.

XII. That there be a repeal of all Acts, or Clauses in any Acts, enjoyning the use of the Book of Common Prayer, and imposing any penalties for the neglect thereof: As also of all Acts or Clauses in any Act, imposing any penalty for not coming to Church, or for meetings elsewhere, for prayer or other Religious duties, exercises, or Ordinances, and some other provision to be made for discovering of Papists, or Popish Recusants, and for disabling of them, and of all Jesuites, or Priests, from disturbing the State.

XIII. That the taking of the Covenant be not enforced upon any, nor any penalties imposed upon the refusers, whereby men might be constrained to take it against their judgements and consciences; but all Orders or Ordinances tending to that purpose to be repealed.

XIV. That (the things here before proposed, being provided for settling, or securing the Rights, Liberties, Peace, and safety of the kingdome) his Majesties person, his Queen and Royall issue, may be restored to a condition of safety, honour, and freedome in this Nation, without diminution to their personall Rights, or further limitation to the exercise of Regall power,

power, then according to the particulars aforegoing.

XV. For the matter of Compositions: First that a lesse number out of the persons excepted, out of the two first qualifications (not exceeding five for the English) being nominated particularly by the Parliament (who together with persons in the Irish Rebellion, included in the third qualification) may be reserved to the further judgement of the Parliament, as they shall find cause: All other excepted persons may be remitted from the Exception, and admitted to Composition: Secondly, that the rates for all future Compositions, may be lessened, and limited not to exceed the severall proportions hereafter expressed, respectively, that is to say,

1. For all persons formerly excepted, not above a third part.
2. For the late members of Parliament under the first branch of the fourth qualification of the Proposition, a fourth part.
3. For other members of Parliament in the second and third branches of the same qualification, a sixth part.
4. For the persons nominated in the said fourth qualification, and those included in the 10 qualification, an eighth part.
5. For all others included in the sixth qualification, a tenth part, and that reall debts either upon record, or proved by witnesses, be considered and abated in the valuation of their estates, in all the cases aforesaid.

3. That those who shall hereafter come to compound, may not have the Covenant put upon them, as a condition, without which they may not compound, but in case they shall not willingly take it, they may passe their Compositions without it.

4. That the persons and estates of all English, not worth two hundred pounds in land or goods, be at liberty and discharged: And that the Kings meniall servants, that never took up arms, but onely attended his person according to their Offices, may be freed from Compositions, or to pay (at most)

but the proportion of one years revenue, or a twentieth part.

5. That in order to the making and perfecting of Compositions, at the rates aforesaid, the Rents, Revenues, and other dues and profits of all sequestred estates whatsoever (except the estates of such persons, who shall be continued under exception as before) be from henceforth suspended and detained in the hands of the respective Tenants, Occupants, and others, from whom they are due for the space of six moneths following.

6. That the Faith of the Army, and other Forces of Parliament given in Articles upon surrenders to any of the Kings party, may be fully made good, and where any breach thereof shall appear to have been made, full reparation and satisfaction may be given to the persons injured; and that the persons offending being found out, may be compelled thereto.

7. That there may be a generall Act of Oblivion, to extend unto All, (except the Persons to be continued in exception, as before) to absolve from all Trespasses, Misdemeanours, &c. done in prosecution of the Warre; and from all trouble or prejudice, for or concerning the same, [after their Compositions past] and to restore them to all Priviledges, &c. belonging to other Subjects, provided as in the fourth particular under the second generall Head aforesaid, concerning security.

And whereas there hath been of late strong endeavours and practices of a factious and desperate Party to embroil this Kingdome in a new Warre. And for that purpose, to induce the King, the Queen, the Prince, to declare for the said Party: And also to excite and stir up all those of the Kings late Party, to appear and engage for the same: which attempts and designs, many of the Kings Party (out of their desires to avoid further misery to the Kingdome) have contributed their endeavours to prevent: [as for diverse of them we have had particular assurance.] We do therefore desire, that such of the Kings Party, who shall appear to have expressed, and shall hereafter expresse that way, their good

good affections to the Peace and welfare of the Kingdome, and to hinder the imbroiling of the same in a new Warre, may be freed and exempted from Compositions, or to pay but one years Revenue, or a twentieth part.

These Particulars aforegoing are the Heads of such Proposals as we have agreed on, to tender in order to the settling the Peace of this Kingdome, leaving the terms of Peace for the Kingdome of Scotland, to stand as in the late Propositions of both Kingdomes, untill that Kingdome shall agree to any alteration.

Next to the Propofall aforesaid; for the present settling of a Peace, We shall desire that no time may be lost by the Parliament, for the dispatch of other things tending to the welfare, ease, and just satisfaction of the Kingdomes, and in speciall manner.

I. That the just and necessary liberty of the People to represent their grievances and desires by way of Petition, may be cleared and vindicated according to the fifth head in the late Representation or Declaration of the Army sent from Saint Albons.

II. That in pursuance of the same Head in the said Declaration, the common grievances of the People, may be speedily considered of, and effectually redressed, and in particular.

1. That the Excise may be taken off from such Commodities whereof the poore People of the Land do ordinarily live, and a certain time to be limited for taking off the whole.

2. That the oppressions and encroachments of Forrest Laws, may be prevented for future.

3. All Monopolies (Old or New) and restraints to the freedom of Trade, be taken off.

4. That a course may be taken and Commissioners appointed to remedy and certifie the inequality of Rates, lying upon severall Counties, and severall parts of each County, in respect of

others, and to settle the proportion for Land, Rates to more equality throughout the Kingdome : In order to which, we shall offer some further particulars which we hope may be useful.

5. The present unequall troublesome and contentious way of Ministers maintenance by Tythes to be considered of, and some remedy applied.

6. That the Rules and course of Law, and the Officers of it may be so reduced and reformed, as that all Suits and Questions of Rights may be more clear and certain in the issues, and not so tedious nor chargeable in the proceeding, as now : in order to which we shall offer some further particulars hereafter.

7. That Prisoners for debt or other debtours (who have estates to discharge them) may not by embracing Imprisonment, or any other wayes, have advantage to defraud their Creditors, but that the Estates of all men may be some way made liable to their debts, (as well as Tradersmens are by Commission of Bankrupt) whether they be imprisoned or not, and that such prisoners for debt, who have not wherewith to pay, or at least do yield up what they have to their Creditours, may be freed from imprisonment, or some way provided for, so as neither they nor their Families, may perish by their imprisonment.

8. Some provision to be made, that none may be compelled by penalties, or otherwise to answer unto Questions tending to the accusing of themselves, or their nearest relations in Criminall causes, and no mans life to be taken away under two witnesses.

9. That consideration may be had of all Statutes and Lawes, or Customes, or Courts, or Actions, imposing any Oaths, either to repeale or else to qualifie and provide against the same, so far as they may extend or be construed to the molestation or ensnaring of Religious and peaceable People, merely for non-conformity in Religion.

III. That

III. That (according to the sixth Head in the said Declaration of the Army) the large powers given to Committees or Deputy Lieutenants, during the late times of Warre and distraction, may be speedily taken into consideration to be recalled and made void, and that such powers of that nature as shall appear necessary to be continued, may be put into a regulated way, and left to as little Arbitrarinesse, as the nature and necessitie of the things wherein they are conversant will bear.

4. That (according to the seaventh Head in the said Declaration) an effectuall course may be taken, that the Kingdome may be righted and satisfied in point of Accounts for the vast summes that have been levied.

5. That provision may be made for payment of Arrears to the Army, and the rest of the Souldierie of the Kingdome, who have concurred with the Armie in the late desires and proceedings thereof. And in the next place for payment of the Publick Debts, and Damgages of the Kingdome, and that to be performed first to such Persons, whose Debts or Damgages (upon the Publick Account) are great, and their Estates small ; so as they are thereby reduced to a difficulty of subsistence.

In Order to which, and to the fourth Particular last preceding, we shall speedily offer some further Particulars (in the nature of Rules) which we hope will be of good use towards Publick satisfaction.

August 1. 1647.

Signed by the appointment of his Excellencie
 Sir THOMAS FAIRFAX, and
the Councill of Warre.



John Rushworth Secretary.

I do appoint this to be forthwith Printed
and published at *Cambridge*.

Colebrook,
Aug. 2. 1647.

T. FAIRFAX.

